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October 27, 2021

Anabel Renteria
Initiative Coordinator
Office of the Attorney General
State of California
PO Box 994255
Sacramento, CA 94244-25550

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INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Re: Request for Title and Summary for Proposed Initiative

Dear Initiative Coordinator:

With this letter I submit a proposed statewide ballot measure in accordance with Article II of Section 10(d) of the California Constitution. I am the proponent of the measure and a registered voter in the State of California. Please prepare a circulating title and summary of the measure as provided by law.

Enclosed with this letter and text of the proposed measure is a check in the amount of \$2,000 and the affidavits required by the Elections Code.

For purposes of inquiries from the public and the media, please direct them as follows:

Thomas W. Hiltachk
BELL, McANDREWS & HILTACHK, LLP
455 Capitol Mall, Suite 600
Sacramento, CA 95814
Phone (916) 442-7757

Thank you for your time and attention processing my request.

Sincerely,



Austin Beutner

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

Section 1. Findings and Declarations

A. Studies on educational achievement prove that arts and music education improves student learning. Music education has been shown to improve cognitive development and spatial reasoning, while the dramatic arts improve reading comprehension. Arts and music education has also been shown to improve school attendance and individual student self-confidence and motivation to learn, particularly among poor and other at-risk students.

B. Despite the clear value of arts and music education, an independent study of arts education in California found:

(1) 90% of elementary schools fail to provide a high-quality course of study across art disciplines;

(2) 96% of middle schools fail to provide a high-quality course of study across all art disciplines; and

(3) 72% of high schools fail to provide a high-quality course of study across art disciplines.

C. The same study found that music education, in particular, has seen a dramatic decline in student enrollment and offered curriculum. Not surprisingly, student access to art education is worse for high-poverty schools.

D. The cause of the steady decline in arts and music education is directly linked to inadequate and unstable funding of such programs. As one school principal simply and honestly stated: "In tough times, when you cut back to essentials, the first thing to go are the arts programs." In fact, over 70% of all school principals said that inadequate and unstable funding was a significant barrier to providing arts education to their students.

E. The solution to this problem is clear. We need to provide California public schools with a dedicated annual source of additional funding for arts and music education. This Act ensures every student in California's K-12 public schools has access to a high-quality arts and music education by:

(1) Increasing and stabilizing funding for arts and music education so that schools can develop and maintain a high-quality course of study in arts and music – year after year;

(2) Holding public officials accountable for using such funds for arts and music education by:

(i) Requiring that these funds be primarily spent on art teachers and teaching aides

(ii) Requiring schools to publish annual reports identifying the specific arts programs provided and the number of students participating in the programs funded;

(iii) Ensuring that every public school will receive increased funding for arts and music education, and by providing even more funding for schools that serve children in low-income communities who lack access to arts and music education;

(iv) Protecting existing Proposition 98 funding of public schools by requiring the Legislature to use money from the state's General Fund; and

(3) Doing all of this without raising taxes.

G. This measure will provide funds to increase by more than 50% the number of arts and music educators in classrooms.

H. Therefore, the people declare that arts education is an educational priority worthy of the State's commitment to a minimum funding guarantee of an additional 1% of the amount funded for public education, and hereby enact "The Arts and Music in Schools - Funding Guarantee and Accountability Act."

Section 2. The Arts and Music in Schools - Funding Guarantee and Accountability Act.

Chapter 5.1 (commencing with Section 8820) of Part 6 of Division 1 of the Education Code is added to read:

Chapter 5.1

The Arts and Music in Schools – Funding Guarantee and Accountability Act

Sec. 8820(a) The Arts and Music in Schools - Funding Guarantee and Accountability Act is hereby established for the purpose of providing a minimum source of annual funding to K-12 public schools, including public charter schools, to supplement arts education programs for pupils attending such schools.

(b) Commencing with the first fiscal year following enactment of this Act, and for each fiscal year thereafter, there shall be continuously appropriated without regard to fiscal years from the General Fund to the State Department of Education for the purposes of this Chapter, which is equal to one percent (1%) of the total state and local revenues received by local education agencies that are included in the calculation of the minimum funding guarantee established by Sections 8 and 8.5 of Article XVI of the Constitution. This amount shall be appropriated in addition to the sums required by, and shall not be considered towards fulfilling the funding requirements of for that fiscal year. The Director of Finance shall calculate and publish the amount necessary to fund the amount required to be appropriated by this Chapter as part of the Director's duties pursuant to subdivision (d) of Section 41206.01.

(c) Funds appropriated pursuant to this chapter shall be allocated to school sites, including charter school sites, as follows:

(1) The Department shall determine the total K-12 pupil population as well as the population of K-12 pupils that are economically disadvantaged based on average daily enrollment for the school year.

(2) The Department shall then: (i) divide the total amount appropriated pursuant to subdivision (b) by the total K-12 pupil population to determine the funding amount on a per-pupil basis; and (ii) divide the total amount appropriated pursuant to subdivision (b) by the K-12 population of economically disadvantaged pupils to determine the funding amount on a per economically disadvantaged pupil basis.

(3) Local education agencies shall allocate to each school site an amount equal to the sum of: (i) seventy percent (70%) times the funding amount on a per-pupil basis, as determined in subsection (2), times the pupil population at that school site; and (ii) thirty percent (30%) times the funding amount on a per economically disadvantaged pupil basis, as determined in subsection (2), times the economically disadvantaged pupil population at that school site.

(d) As a condition of receipt of funds pursuant to this chapter, a local education agency shall:

(1) certify that at least 80% of funds received will be used to employ certificated or classified employees to provide arts education instruction and that the remaining funds will be used for training, supplies and materials, and arts educational partnership programs, and that funds received in the prior fiscal year were, in fact, used for those purposes, except as provided in subparagraph (3);

(2) certify that such funds received will be used to supplement funding for arts education programs and that funds received in the prior fiscal year were, in fact, used to supplement arts education programs;

(3) certify that no more than 1% of funds received will be used for local education agency's administrative expenses to implement this chapter and that funds received in the prior fiscal year were, in fact, used within that limit; and

(4) submit an annual report in a manner determined by the Superintendent, and posted on the school district's website, that describes the type of arts education programs funded by the program, the number of pupils served, and the number of school sites providing arts education programs with such funds.

(5) The Department of Education may, for good cause shown, provide a waiver from the requirement of subsection (1) upon written request from the principal of a school site.

(e) The Legislature may suspend the annual appropriation required by this chapter if the Legislature suspends the operation of Proposition 98 by the enactment of an urgency statute pursuant to subdivision (h) of Section 8 of Article XVI of the Constitution.

(f) Nothing in this section prohibits the Legislature from appropriating funds for the program in excess of this minimum annual appropriation.

Sec. 8821. For purposes of this chapter:

(a) "Arts education program" includes, but is not limited to, instruction and training, supplies, materials and arts educational partnership programs, for instruction in: dance, theatre, music, folk

art, creative writing, visual arts, including painting, sculpture, photography, and craft arts, design, including graphic arts, computer coding, animation and graphics, and costume design, film, and video.

(b) "Economically disadvantaged pupil" means a pupil who is eligible for the National School Lunch Program (42 USC Ch. 13 (commencing with Section 1751) or any successor program.

(c) "General Fund" means those General Fund appropriations of the State in a fiscal year other than the State's minimum funding obligation to school districts and community college districts pursuant to Sections 8 and 8.5 of Article XVI of the Constitution.

(d) "Local Education Agencies" includes K-12 school districts, county offices of education, charter schools, and the state school for the blind and the state school for the deaf.

(e) "The State's minimum funding obligation for K-12 education" means the sum of the State's minimum funding obligation under Section 8 of Article XVI and local proceeds of taxes allocated to K-12 education during the school year.

(f) "Supplement" means that the funds appropriated by this chapter shall be used by school districts to increase funding of arts education programs and not to supplant existing funding for such programs.

Sec. 8822. (a) If any provision of this act or application thereof to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications or the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

(b) This act is intended to be comprehensive. It is the intent of the people that in the event this act or acts relating to the same subject shall appear on the same statewide election ballot, the provisions of the other act or acts shall be deemed to be in conflict with this act. In the event that this act receives a greater number of affirmative votes, the provisions of this act shall prevail in their entirety, and all provisions of the other act or acts shall be null and void.

(c) Except as provided in subdivision (e) of Section 8820, the Legislature may amend this chapter to further its purposes by a bill passed in each house by rollcall vote entered into the journal, two-thirds of the membership of each house concurring.